IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION No. 3406 OF 2007
IN
INTERPLEADER SUIT No.3660 of 1990

WITH

NOTICE OF MOTION No.3821 of 2007
IN
INTERPLEADER SUIT No.3660 of 1990

The Hongkong & Shanghai Banking
Corporation Ltd. ..Plaintiffs.

Vs.

Narayandas J. Ramchandani & Ors ..Defendants.

Mr A. M. Talreja, with Mr A.A. Talreja,
Advocate for the substituted-Plaintiff.

Mr A. B. Dubey, i/b Bharat Vaishnawa & Co.
Advocate for the Defendant No.3.

CORAM: V.C. DAGA,J.
DATED: 4.12.2007.

P.C.:-

1. Learned counsel for the plaintiff brought to my notice order of the earlier bench dated 2.11.2007 pursuant to which the original defendant No.4 has been transposed as "plaintiff" with liberty to proceed with the suit. Pursuant to that order, plaint has been amended on 13.11.2007. However, writ of summons is yet to be served on the defendants. Learned counsel for the plaintiff undertakes to serve the writ of summons on the defendants within six weeks from today. The defendants

would be at liberty to file their written statement within four weeks from the date of service so as to answer the amended plaint. In view of this order Notice of Motion No. 3821 of 2007 and 3406 of 2007 taken out by the defendant Nos. 2 and 3 respectively would not survive.

2. Accordingly, both motions stand disposed of for want of cause of action.

[V.C. DAGA,J]